3843; and in view of the "adopting" provision must be taken to mean either natural or adopting parents, but not both.

EASEMENTS—OF NECESSITY—EXTINGUISHMENT.—The plaintiff had leased a restaurant from the defendant hotel-keeper. By oral understanding the lessee could use the adjoining hotel lavatory. At the time of trial, but not at the time of leasing, there were other such facilities available for the restaurant. The plaintiff seeks to enjoin the lessor from removing the hotel lavatory. *Held,* injunction refused, the plaintiff having no easement of necessity. *Harrison* v. *Ziegler* (Cal. 1921) 196 Pac. 914.

Easements of necessity are said to arise by implied grant or reservation. See *Cherry* v. *Brizzolara* (1909) 89 Ark. 309, 316, 116 S. W. 668; 2 Tiffany, *Real Property* (enlgd. ed. 1920) 1295 *et seq.* Where a grantor retaining an alleged dominant tenement claims such an easement over his grantee's land, absolute necessity must be shown. *Cherry* v. *Brizzolara, supra.* But where the grantee claims the way, he need show only reasonable necessity. *Paine* v. *Chandler* (1892) 134 N. Y. 385, 32 N. E. 18; see (1914) 14 COLUMBIA LAW REV. 84; *contra, Buss* v. *Dyer* (1878) 125 Mass. 287. However, mere convenience is insufficient. *Walker* v. *Clifford* (1900) 128 Ala. 67, 29 So. 588. The necessity doctrine, probably available for a period to the lessee in the instant case, was no longer so at the time of trial. For such an easement does not outlive the necessity which gives rise to it. See *Palmer* v. *Palmer* (1896) 150 N. Y. 139, 147, 44 N. E. 966; (1911) 11 COLUMBIA LAW REV., 478; 2 Tiffany, *op. cit.* 1368. Nor, because of the Statute of Frauds, could the oral understanding be claimed to create an easement. *Hall* v. *McLeod* (1859) 59 Ky. 98. Being merely a license, it was revocable, and the injunction was properly denied.

EVIDENCE — CONFRONTATION OF WITNESSES — TESTIMONY AT FORMER TRIAL IN ABSENCE OF WITNESSES FROM JURISDICTION.—At the trial of the defendant, the prosecution introduced testimony which had been given in the police court by a witness who subsequently disappeared. *Held,* such evidence is admissible. *State* v. *Gaetano* (Conn. 1921) 114 Atl. 82.

The death of a witness is universally considered sufficient to allow the use of his former testimony. *Mendenhall* v. *U. S.* (1911) 6 Okla. Cr. 436, 119 Pac. 594; *In re Durant* (1907) 80 Conn. 140, 67 Atl. 497. The absence of a witness from the jurisdiction is similarly treated by most courts. *State* v. *Harmon* (1904) 70 Kan. 476, 78 Pac. 805. This is, however, denied by some in criminal cases. *State* v. *Nicholas* (1910) 149 Mo. App. 121, 130 S. W. 96. By the better opinion, inability to find the witness is an equally sufficient reason for admitting his former testimony. *Pope* v. *The State* (1913) 183 Ala. 61, 63 So. 71; *contra, State* v. *Wing* (1902) 66 Ohio St. 407, 64 N. E. 514. The constitutional provision that an accused person shall be confronted by the opposing witnesses is generally said to be declaratory of the common law rule debarring hearsay evidence; and so subject to all the exceptions to that rule. See *State* v. *McO'Blenis* (1857) 24 Mo. 402, 414 *et seq.* The chief reasons for the exclusion of hearsay evidence are want of sanction of an oath and opportunity to cross-examine. See *Minneapolis Mill Co.* v. *Minneapolis & St. L. Ry. Co.* (1892) 51 Minn. 304, 315, 53 N. W. 639. Testimony taken at a former hearing is not subject to these objections and is therefore not really an exception to the hearsay rule. See *Minneapolis Mill Co.* v. *Minneapolis & St. L. Ry. Co., supra, loc. cit.* The introduction of the testimony in the instant case worked no hardship on the defendant who had had the all important opportunity of cross-examination.

FEDERAL TRADE COMMISSION—POWER TO PREVENT UNFAIR METHODS OF COMPETI-